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Nunalingni Kavamatkunillu Pivikhaqautikkut
Department of Community and Government Services
Ministère des Services communautaires et gouvernementaux

Proposed Nunavut Building Code Act

Question and Answer Document for Public Circulation/Discussion

Currently, the Territory of Nunavut does not have a regulatory framework in place that is capable of effectively enforcing compliance with the National Building Code of Canada, in its entirety.

Certain aspects of the National Building Code of Canada, relating to fire safety, electrical safety, etc, are enforced in Nunavut. Some requirements for new building construction, such as barrier free accessibility and environmental separation, as well as energy efficiency standards for new building construction are not covered (nor enforced) under current GN legislation.

The Department of Community and Government Services, Government of Nunavut is soliciting feedback on its proposal for a Nunavut Building Code Act. We ask that you review the questions and answers provided below and if you have any more inquiries or concerns please email:

NunavutBuildingCode@gov.nu.ca.

1) What is the Nunavut Building Code Act? What is the purpose of the proposed Bill? Why is it needed?

The Building Code Act (BCA) will be new legislation applicable in the territory of Nunavut.

A new BCA, with associated regulations, will establish the regulatory framework to direct the approval and inspection of new construction, reconstruction and change of occupancy of buildings.

Currently, in areas concerning new construction and alteration, the scope of existing Nunavut legislation may be confusing to consultants, builders, enforcement officials and other readers; i.e. aspects of the National Building Code for new construction, not

specifically related to fire safety matters, are not enforced under the Fire Prevention Act.

The objective of the proposed Building Code Act (BCA) is to provide a regulatory framework that establishes and clarifies the hierarchy and application of the National Model Codes and existing Nunavut Fire Prevention Act (FPA) and Technical Standards and Safety Act (TSSA).

The expectation continues to be that buildings comply with both national model codes, the National Building Code (NBC) and the National Fire Code (NFC).
The new Act is in-line with the intent that the NBC generally applies at the time of construction and reconstruction while the NFC applies to the operation and maintenance of the fire-related features of buildings in use.

The BCA will establish a Building Code Advisory Committee to decide on matters of policy/code interpretation dispute and amendment. Committee makeup will be by ministerial appointment and will be comprised of subject matter experts and representatives of GN and building development stakeholder groups.

2) What will the regulations accompanying this proposed Bill contain?

The Building Code Act is enabling legislation to facilitate adopting and enforcing the latest versions of the National Building Code of Canada (NBC) in Nunavut.

The accompanying Regulations will establish and clarify the administration and enforcement of the Act in the design/construction/alteration and occupancy of buildings throughout the territory; in areas such as:

- Scope of application
- Adopted version of the NBC and other codes
- Appointment and role of a Building Advisory Committee
- Appointment and powers of Building Official (authority having jurisdiction)
- Requirement for permits and occupancy
- Notification for inspection
- Responsibilities and obligations of owners, contractors and professionals
- Code amendments applicable in Nunavut

3) How will it change the way in which we currently do business in Nunavut?

The administration and enforcement of the building development process will now be similar to the majority of other provincial/territorial jurisdictions, i.e. Building Official Office (generally applies to new construction) and Fire Marshal Office (generally applies to safe occupancy of existing buildings).

A new construction permitting process will:

- apply the Building Code Act and regulations territory wide.
- be administered by Building Officials, trained and qualified inline with national standards.
- identify other required permits necessary to complete the terms of the application.
- coordinate with the Building Code Advisory Committee for dispute submissions on matters of policy/code interpretation, application and amendment.

4) Will a new construction permitting process be put in place immediately under this proposed legislation?

No.

Adoption of the Act is necessary to enable creation of regulations.

A new construction permitting process will be dependant upon the establishment of regulations under the Act and the implementation of a Building Officials Office and a Building Code Advisory Committee.

5) What are the proposed timeframes for implementation of this proposed Legislation and its subsequent Regulations?

The Act is planned to be introduced to the Nunavut Legislature during the 2012 winter session.

Adoption of the Act will allow creation of the regulations and the subsequent implementation of a Building Officials Office and a Building Code Advisory Committee.

Full implementation is dependant on the previous outcomes.

6) How and under what circumstances will amendments be made to the Code?

Future amendments made to the Nunavut Building Code are generally done to reflect GN priorities, stakeholder requests, changes in building sector technology, new industry standards and emergency situations.

Building Code changes generally undergo a two-stage consultation process: a public review where comments are received; and a review by the Building Advisory Committee, which review the comments and make recommendations to the Minister based on functional intent, technical feasibility, cost, impact and enforceability.

7) How will enforcement and compliance be dealt with under this Bill?

The Building Code Act and regulations will be administered and enforced by the GN Building Officials Office.

A Building Code Advisory Committee will decide on disputed matters of policy/code interpretation, application and inclusion.